IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

THE PHOENIX INSURANCE	§	
COMPANY,	§	
	§	
Plaintiff-Stakeholder,	§	
	§	
v.	§	Civil Action No. H-06-3697
	§	
EMMA LOUISE GREANEY and	§	
THE UNITED STATES DEPARTMENT OF	§	
HEALTH AND HUMAN SERVICES,	§	
	§	
Defendants-Claimants.	§	

FINAL JUDGMENT

In accordance with Federal Rule of Civil Procedure 58, and pursuant to the Court's order granting the parties' Agreed Motion for Entry of Final Judgment (Dkt. #23), the Court hereby enters the following final judgment in this lawsuit:

Plaintiff-Stakeholder The Phoenix Insurance Company ("Phoenix") is hereby ORDERED to pay \$11,077.87 to Defendants-Claimants the Centers for Medicare and Medicaid Services ("CMS") within thirty (30) days of entry of this final judgment, by a check payable to "Medicare," on which is noted the name of Emma Greaney, her Medicare claims number, and a "Date of Incident" of December 5, 2003, to be sent with a copy of this Final Judgment to the CMS Medicare Secondary Payer Recovery Contractor ("MSPRC") at P.O. Box 33828, Detroit, Michigan, 48232-3828.

Moreover, Phoenix is hereby ORDERED to pay \$88,922.13 to Defendant-Claimant Emma Louise Greaney ("Greaney") within thirty (30) days of entry of this Final Judgment. These two payments total \$100,000.00, which is amount of the policy proceeds available under the automobile insurance policy numbered 035673979 122 2 that Phoenix issued to Greaney.

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In accordance with these payments by Phoenix to Greaney and to the CMS Defendants,

Phoenix is hereby DISCHARGED pursuant to Federal Rule of Civil Procedure 22 from any

contractual obligations under the policy it issued to Greaney.

Further, Phoenix is hereby DISCHARGED pursuant to Federal Rule of Civil Procedure

22 from any potential liability to Greaney and the CMS Defendants on account of the matters

relating to the \$100,000.00 in uninsured/underinsured motorists coverage available under the

policy that Phoenix issued to Greaney.

Costs of court are assessed against the party incurring same. The Court DENIES all

relief not expressly or impliedly granted in this final judgment.

This is a final judgment pursuant to Federal Rule of Civil Procedure 58.

It is so ORDERED.

Signed on this the 221 day of May, 2007.

LEE H. ROSENTHAL

UNITED STATES DISTRICT JUDGE